



City of Seattle

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Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 2302982, 2302983, and 2303797

**Applicant Name:** Terry Beals for Central Puget Sound Regional Transit Authority (“Sound Transit”)

**Address of Proposal:** 2702 16<sup>th</sup> Avenue South;  
2715 17<sup>th</sup> Avenue South; and  
2524 16<sup>th</sup> Avenue South

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to establish use for temporary staging area for future construction of an essential public facility/light rail facility (Sound Transit’s West Beacon Hill Station). Project includes demolition of existing structures and use of adjacent community center site for temporary parking. Environmental Impact Statement prepared by Sound Transit.<sup>1</sup>

This analysis and decision cover three related applications:

- Master Use Permit (MUP) #2302982 (2702 16<sup>th</sup> Avenue South);
- MUP #2302983 (2715 17<sup>th</sup> Avenue South); and,
- MUP #2303797 (2524 16<sup>th</sup> Avenue South).

The following approvals are required:

- **Temporary Use Permit** – Seattle Municipal Code (SMC) 23.42.040. (MUPs #2302982, 2302983, and 3797).
- **SEPA – to approve condition or deny pursuant to SMC 25.05.660.** (MUPs #2302982, 2302983, and 2303797).

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<sup>1</sup> At the time of the Notice of Application, this project included review of the future construction of two permanent “headhouse” structures. These structures have been removed from the proposal, are not included in the Director’s decision, and will require future review under separate permit(s). As a result, no permanent structures or uses are proposed under Master Use Permits #2302982, 2302983, or 2303797.

**SEPA DETERMINATION:**      ☐ Exempt   ☐ DNS   ☐ MDNS   ☒ EIS\*  
☐ DNS with conditions  
☐ DNS involving non-exempt grading, or demolition or  
another agency with jurisdiction.

## **BACKGROUND DATA**

### **Site Location and Zoning**

The project site is located on Beacon Avenue South at the intersection of Beacon Avenue South, 16<sup>th</sup> Avenue South, and South Lander Street in the Beacon Hill neighborhood. The site includes the entire city block bounded by South Lander Street, 16<sup>th</sup> Avenue South, Beacon Avenue South, South McClellan Street, and 17<sup>th</sup> Avenue South. An alley running north-south divides the block into west and east halves. For clarity, these halves will be subsequently referred to as the “west staging area site” (MUP #2302982) and the “east staging area site” (MUP #2302983).

In addition, temporary parking is proposed to be located north of this site (across South Lander Street) on the property owned by El Centro de la Raza community center. This site is referred to below as the “El Centro site” (MUP #2303797).

The west staging area site (west of the alley) is zoned Neighborhood Commercial 2, with a height limit of 40 feet and is within a Pedestrian 1 designation (NC2-40 P1). The east staging area site (east of the alley) is zoned Neighborhood Commercial 2/Residential with a height limit of 40 feet (NC2/R-40). The El Centro site is zoned Residential, Single-family 5,000 (SF 5000). The entire proposal is within the North Beacon Hill urban village.

### **Existing Site Conditions**

The site contains approximately 4.1 acres, with the El Centro site occupying approximately 3 acres. The topography of the site varies little with a maximum elevation change of up to approximately 10 feet across the site. There are no mapped or observed environmentally critical areas on the site. There are four 20- to 30-inch cedar trees growing along the site’s 17<sup>th</sup> Avenue South street frontage; none of these trees has been identified as “exceptional.”

The northwest corner of the west staging area site has been fenced with a 16-foot high noise barrier wall. Within the area bounded by the wall, Sound Transit received approval to drill a test shaft in the location of the proposed tunnel shaft for soil testing (Master Use Permit #2204499). The remainder of the west staging area site is developed with three commercial structures containing office and restaurant uses along Beacon Avenue South.

The east staging area site is currently developed with four single-family residences, three fronting along 17<sup>th</sup> Avenue South and one facing South Lander Street.

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\* Final Environmental Impact Statement issued by Central Puget Sound Regional Transit Authority in November of 1999. Addendum addressing Initial Segment issued November 16, 2001.

Finally, the El Centro site is developed with the El Centro de la Raza community center and accessory parking and playground amenities. A portion of the south end of the site is already in use as temporary parking for the restaurant located at 2714 Beacon Avenue South (approved under Master Use Permit #2205129).

#### Development and Zoning in the Vicinity

Zoning in the vicinity to the west of the site is primarily NC2, with a Pedestrian 1 designation along Beacon Avenue South and South Lander Street; zoning immediately east of the site is SF 5000.

Development in the area appears to be consistent with the zoning. There is a mix of commercial uses west of the site and primarily single-family residential uses east of the site.

#### Description of Proposal

The Beacon Hill Station is a component of Sound Transit's Central Link project. The station would provide access to passengers down to the light rail line located within the Beacon Hill Tunnel. The tunnel is proposed as a one-mile twin-tube that runs from Interstate-5 near Airport Way South to the McClellan Station at the intersection of South McClellan Street with Rainier Avenue South. The subject application is limited to review of proposed temporary staging areas necessary to facilitate development activities associated with the Beacon Hill Station.

The west and east staging area sites would both be used as temporary staging areas accessory to the Beacon Hill Station development. All of the existing buildings on the two sites would be demolished, and a 16-foot high noise barrier wall would be placed around the perimeter.

Temporary contractor parking is proposed to be provided at the El Centro site (on the north side of South Lander Street). The parking area would be accessed via a curb cut on South Lander Street that was approved under a previous temporary use permit (MUP #2205129). Although most of this portion of the El Centro site is already paved, only some of it is striped for parking. Therefore, the area would be restriped for 117 parking spaces. In addition, an existing sports court would be relocated farther north on the site, and a small shed would be demolished. Finally, the applicant would restripe an existing parking area at the north end of the El Centro de la Raza property for community center parking.

#### Public Comments

The public comment period ended July 16, 2003. The department received one (1) written comment during the comment period concerning potential impacts of the proposal. Specific concerns included:

- Safety, noise, and air quality impacts associated with increased traffic;
- Whether the basketball court and gazebo on the El Centro de la Raza site would be preserved; and,
- Whether any trees would be removed under this proposal.

Responses to these comments are incorporated into the analyses below.

## **ANALYSIS - TEMPORARY USE**

Pursuant to SMC 23.42.040, the Director may “grant, deny or condition applications for temporary use authorization for uses not otherwise permitted or not meeting development standards in a zone, which are in keeping with the spirit and purpose of the Land Use Code.” Furthermore, SMC 23.42.040(E) states that the Director may authorize a temporary use that supports the construction of a light rail transit facility provided that the requested use meet a specified set of criteria. Based on the information provided by the applicant and review of the proposal by the Land Use Planner, the following findings are made with respect to the criteria cited below:

1. ***“The alignment, station locations, and maintenance base location of the light rail transit system has been approved by the City Council by ordinance or resolution;”***

The City Council passed resolutions and ordinances approving the alignment, station locations, and maintenance bases for Sound Transit’s proposed light rail system. (For additional information, refer to Resolution 30128 and Ordinances 119904, 119974, and 119975.) The temporary use for contractor parking would accommodate Sound Transit’s proposal to construct the Beacon Hill station and supporting systems. The proposed temporary staging areas and temporary parking are consistent with the resolution and ordinances passed by the City Council.

2. ***“The temporary use or structure is authorized for only so long as is necessary to support construction of the light rail transit system;”***

The temporary staging areas would be utilized during development work associated with the Beacon Hill Station construction. Furthermore, the temporary contractor parking area would only be required until tunnel construction is complete.

3. ***“The applicant must submit plans for the establishment of temporary construction uses and facilities to the Director for approval. When reviewing the application, the Director shall consider the duration and severity of impacts, and the number and special needs of people and businesses exposed, such as frail, elderly, and special needs residents. Following review of proposed plans and measures to mitigate impacts of light rail transit facility construction, and prior to the issuance of any permits granting permission to establish construction facilities and uses, the Director may impose reasonable conditions to reduce construction impacts on surrounding businesses and residences, including but not limited to the following:”***

- a. ***“Noise impacts will be governed by the Noise Control Ordinance (SMC Chapter 25.08) and off-site impacts associated with grading and drainage will be governed by the Stormwater, Grading and Drainage Ordinance (SMC Chapters 22.800 through 22.808).”***

The construction and operation of the temporary staging area meets the minimum requirements of the Noise Control Ordinance and the Stormwater, Grading and Drainage Ordinance. However, construction activities to establish the staging area would generate short-term noise. The applicant has applied for and has been issued a Technical Noise Variance from DPD to perform work between the hours of 10 PM to 7 AM, weekdays, and 10 PM to 9 AM, weekends and holidays, which is discussed in the SEPA analysis section below and is on file with the

Master Use Permit application. Also, the applicant will be required to submit a copy of any necessary demolition permits from the Puget Sound Clean Air Agency (PSCAA), who has authority for mitigating any air quality impacts associated with the proposal.

- b. “Light. To the extent feasible, light should be shielded and directed away from adjoining properties.”***

Lighting proposed for the temporary staging areas would be shielded and directed inward to the site.

The applicant has indicated that existing lighting conditions at the El Centro site would not change. The applicant proposes lighting appropriate for pedestrians along the sidewalk on South Lander Street.

- c. “Best Management Practices. Construction activities on the site must comply with Director's Rule #16-2000, Best Management Practices for Construction Erosion and Sedimentation Control Plans.”***

No construction or grading work is proposed for the temporary contractor parking area. Construction activities including stockpiling and storage of materials associated with the temporary staging areas are required to meet the standards of Director’s Rule #16-2000.

- d. “Parking and Traffic. Measures addressing parking and traffic impacts associated with truck haul routes, truck loading and off-loading facilities, parking supply displaced by construction activity, and resulting from temporary construction-worker parking, including measures to reduce demand for parking by construction employees must be included.”***

Construction parking for the temporary staging areas would be located on the El Centro site; the purpose of the proposed 117-space parking area is to address anticipated parking demand generated by construction personnel. In order to mitigate the temporary loss of the 117 spaces to El Centro’s use, Sound Transit would restripe an existing parking lot at the north end of the El Centro site. The restriped parking area would provide 126 parking spaces.

- e. “Local Businesses. The applicant must address measures to limit disruption of local business, including pedestrian and/or auto access to business, loss of customer activity, or other impacts due to protracted construction activity.”***

Under this proposal, four businesses would be displaced. Pedestrian and auto access to the local businesses would be maintained during construction through the use of signage and other necessary temporary means. Sound Transit proposes to maintain a level of communication with local business throughout the period of construction.

- f. “Security. The applicant must address site security and undertake measures to ensure the site is secure at all times and to limit trespassing or the attraction of illegal activity to the surrounding neighborhood.”***

A 16-foot high noise barrier fence would be installed around the perimeter of the west and east staging area sites.

In addition, security fencing would be erected around the temporary contractor parking area at the El Centro site. In addition, the applicant proposes to sign the area as limited to contractor parking only.

- g. “Site/Design. The construction site should be designed in a manner that minimizes pedestrian/vehicle conflicts and does not unnecessarily impede pedestrian mobility around the site and through adjoining neighborhoods. Measures should also be undertaken to ensure appropriate screening of materials storage and other construction activities from surrounding streets and properties.”***

The temporary staging areas would be screened from surrounding streets and properties by a noise barrier wall. As part of a community outreach program with Sound Transit, community artwork will be mounted on the wall’s exterior to reduce the visual impacts of the wall. A minimum pedestrian walkway path would be maintained around the perimeter of the site.

The applicant has proposed no new curb cuts onto South Lander Street from the contractor parking area. Therefore, the likelihood of vehicle/pedestrian conflicts would not be increased. Pedestrian mobility would be ensured by keeping the sidewalk on the north side of South Lander Street open. In addition, the parking area would be partially screened from public view by security fencing.

- h. “Public Information. Actions should be taken that will inform surrounding residents and businesses of construction activities taking place and their anticipated duration, including a twenty-four (24) hour phone number to seek additional information or to report problems.”***

Sound Transit has indicated that the project includes the implementation of a community outreach program. Efforts to date have included five public meetings, contact with local businesses, and regular meetings with the North Beacon Hill Community Council and Chamber of Commerce. In addition, signage would be posted on the site and a 24-hour construction hotline would be provided. Signage providing project information and listing the number of the hotline should be posted on the site prior to commencement of construction activities.

- i. “Temporary structures must be constructed to withstand inclement weather conditions.”***

No temporary structures are proposed.

- j. “Vibration. The applicant must consider measures to mitigate vibration impacts on surrounding residents and businesses.”***

No significant vibration impacts are anticipated to result from the temporary staging areas or temporary parking area. In addition, noise reduction means have been incorporated into the project proposal to reduce potential vibration.

**4. “Site Restoration.”**

- a. “The applicant must also agree, in writing, to submit a restoration plan to the Director for restoring areas occupied by temporary construction activities, uses or structures.”***

- b. *“The restoration plan must be submitted and approved prior to the applicant vacating the construction site and it must include proposals for cleaning, clearing, removing construction debris, grading, remediation of landscaping, and restoration of grade and drainage.”*
- c. *“Site restoration must generally be accomplished within one hundred eighty (180) days of cessation of use of the site for construction uses and activities, unless otherwise agreed to between the applicant and the Director.”*
- d. *“The Director will approve plans for site restoration in accordance with mitigation plans authorized under this section.”*

For the west and east staging area sites, the applicant should submit a restoration plan after completion of construction activities. The restoration work should be completed within 180 days of construction activities’ completion.

For the El Centro site, the applicant should be required to remove the security fencing and parking space striping at the El Centro site and restore any disturbed vegetation after completion of construction activities. This restoration work should occur within 180 days of cessation of the site for temporary contractor parking.

- 5. *“A master use permit for a temporary structure or use that supports the construction of a light rail transit facility shall not be issued until the Director has received satisfactory evidence that the applicant has obtained sufficient funding (which might include a Full Funding Agreement with a federal agency) to complete the work described in the master use permit application.”*

The City’s Sound Transit Program Manager with the Seattle Department of Transportation (SDOT) reviewed the Financial Capacity Statement submitted by Sound Transit for the proposal. On June 27, 2003, the Program Manager confirmed that the Financial Capacity Statement meets applicable code criteria.

#### **DECISION – TEMPORARY USE**

The temporary use application request is **CONDITIONALLY GRANTED** subject to the conditions noted at the end of this report.

#### **ANALYSIS – SEPA**

Sound Transit issued a Final EIS in November of 1999 and Addendum to the Final EIS for the Initial Segment on November 16, 2001. Sound Transit has lead agency status on this project, and the Director hereby incorporates by reference its November 1999 FEIS and the November 2001 Addendum to the FEIS. The addendum concludes that there has been no substantial change in impacts from those identified in the foregoing EIS materials. The information in the EIS, supplemental information provided by the applicant (plans, further project descriptions), and the experience of the City with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) establishes the relationship among codes, policies, and environmental review. Specific policies for specific elements of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part:

"[W]here City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" (subject to some limitations).

Under certain limitations/circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is cited below.

#### Short - Term Impacts

The following temporary or construction-related impacts are expected:

- Decreased air quality due to suspended particulates from construction activities and hydrocarbon emissions from construction vehicles and equipment;
- Increased dust caused by construction activities and potential soil erosion and disturbance to subsurface soils during grading, excavation, and general site work;
- Increased traffic and demand for parking from construction equipment and personnel;
- Conflicts with normal pedestrian and vehicular movement adjacent to the site;
- Increased noise and vibration; and,
- Consumption of renewable and non-renewable resources.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: Stormwater, Grading and Drainage Control Code (grading, site excavation and soil erosion); Street Use Ordinance (watering streets to suppress dust, removal of debris, and obstruction of the pedestrian right-of-way); the Building Code (construction measures in general); and the Noise Ordinance (construction noise). The ECA ordinance and DR 3-93 and 3-94 regulate development and construction techniques in designated ECAs. Compliance with these applicable codes and ordinances will reduce or eliminate most of the short-term impacts to the environment. Other impacts may not be adequately mitigated by existing ordinances, as discussed below.

#### Air Quality

The Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality. No permit process exists to ensure that PSCAA has been notified of the proposed building demolition and that asbestos, if any, has been removed from the site. Therefore, a condition should be added requiring the applicant to submit to DPD a copy of the PSCAA demolition permit prior to issuance of the construction permit. This condition is imposed pursuant to SEPA authority to mitigate air quality, construction and environmental health impacts, SMC 25.05.675 A, B, and F. Compliance with PSCAA regulations would mitigate the potential adverse short term impacts to air.

#### Construction Impacts

No significant vibration impacts are anticipated to result from the temporary staging areas or temporary parking area. Measures to reduce vibration will be implemented in accordance with



the applicant's standard specification, Section 01564 – Construction Noise and Vibration Control, which is on file with the Master Use Permit application. In addition, noise reduction means have been incorporated into the project proposal to reduce potential vibration. Therefore, no additional mitigation is warranted pursuant to SEPA policies.

#### Drainage and Earth

Any additional information required to verify conformance with applicable ordinances and codes (ECA ordinance, The Stormwater, Grading and Drainage Control Code, DR 3-93, and 3-94) would be required prior to issuance of any required building permits or demolition permits.

The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material. The current proposal involves grading of more than 100 cubic yards of material, and the applicant has prepared a geotechnical report for the site. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used; therefore, no additional conditioning is warranted pursuant to SEPA policies.

#### Traffic and Parking

Construction traffic may increase congestion in the area and could generate increases in traffic from construction vehicles. To mitigate the impacts of construction traffic, the applicant has proposed a truck haul route for disposal of excavated soils and other construction debris from the site to Interstate-5. A final truck haul route would be finalized with Seattle Department of Transportation at a future date.

In order to reduce potential impacts associated with temporary demand for parking during construction, the applicant has proposed 117 designated contractor parking spaces at the El Centro site. Therefore, no further conditioning is warranted to mitigate short-term traffic or parking impacts.

#### Noise

Demolition and other construction activities would generate short-term noise. The applicant has been issued a Technical Noise Variance from DPD. The Technical Noise Variance requires that Sound Transit and its contractor comply with the City's noise control ordinance (SMC Chapter 25.08). As part of the approved Technical Noise Variance, Sound Transit's Community Outreach Program has developed a Citizen Involvement and Public Complaint Resolution plan that requires Sound Transit to work with its contractor, in advance of construction, to plan the construction work in a manner that minimizes potential noise impacts on the neighbors and to keep the adjacent communities informed throughout construction. The outreach will include updates at community organization meetings, written construction updates, regular door-to-door visits with residents, and other similar efforts. A 24-hour construction hotline will be established, and a record will be kept of all noise complaints. When a complaint is received, Sound Transit will use every reasonable effort to resolve it to the satisfaction of the complainant.

#### Long-term Impacts

Long-term or use-related impacts are also anticipated from the proposal, and include:

- Impact on the existing and/or anticipated commercial and residential uses in the vicinity of the project;
- Loss of existing structures more than 50 years old;
- Increased ambient noise due to operation of the station system.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code requires on-site collection of stormwater, with provisions for controlled tightline release to an approved outlet, and additional design elements to prevent isolated flooding. The Land Use Code controls site coverage, setbacks, building height and use, and contains other development and use regulations to assure compatible development. Generally, compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts. However, due to the nature of the proposal, some of the potential impacts warrant further analysis.

#### Historic Preservation

Seven (7) of the structures proposed for demolition are more than 50 years old (2709 17<sup>th</sup> Avenue South, 2415 17<sup>th</sup> Avenue South, 2721 17<sup>th</sup> Avenue South, 2704 Beacon Avenue South, 2714 Beacon Avenue South, 2718 Beacon Avenue South, and 1615 South Lander Street). Pursuant to SEPA guidelines, the applicant's information about these structures was forwarded to the Department of Neighborhoods (DON) for review. DON determined that it is unlikely that any of the seven structures would meet the standards for landmark designation. Therefore, no mitigation is warranted pursuant to SEPA policy.

#### Land Use

The temporary staging area uses would displace four local businesses and result in demolition of four single-family residences. However, the applicant has worked with the local business community and residents to relocate those displaced. In addition, the applicant anticipates that the Beacon Hill Station would attract economic development to the immediate vicinity in the future. No additional mitigation is warranted pursuant to SEPA policy.

### **DECISION - SEPA**

Environmental impacts for the proposal were identified and analyzed in the Final Environmental Impact Statement issued by Sound Transit. DPD has the authority to mitigate impact pursuant to the city's SEPA practices. Therefore, the proposal is **CONDITIONALLY APPROVED**.

### **CONDITIONS – TEMPORARY USE**

The owner(s) and/or responsible party(s) shall:

#### Prior to Commencement of Any Construction Activities

1. Restripe no fewer than 117 parking spaces at the north end of the El Centro site (2524 16<sup>th</sup> Avenue South) as shown in the approved plans.

2. Set up a 24-hour construction phone hotline to receive any incoming complaints. The number for the phone line shall be posted at visible locations along 17<sup>th</sup> Avenue South and Beacon Avenue South.
3. Submit a copy to DPD of any required PSCAA Demolition Permit(s) or equivalent authorization(s).

Following Completion of Construction Activities

4. Within 180 days of the cessation of the temporary staging area use, submit a letter to DPD indicating that the west staging area site (MUP #2302982) and the east staging area site (MUP #2302983) have been restored.
5. Within 180 days of the cessation of the temporary parking use, remove the temporary security fencing around the contractor parking area at the El Centro site (MUP #2303797) and remove the 22-foot wide curbcut on South Lander Street. In addition, within 180 days of the cessation of the temporary use, the applicant shall submit a letter to DPD indicating that the fencing and curbcut have been removed.

**CONDITIONS – SEPA**

The owner(s) and/or responsible party(s) shall:

During Construction:

6. Comply with the Citizen Involvement and Public Complaint Resolution program contained in the approved Technical Noise Variance, a copy of which is in the Master Use Permit file.

Signature: (signature on file) Date: February 2, 2004  
Leslie C. Clark, AICP  
Land Use Planner